

Message Text

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ORIGIN ARA-14

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FM SECSTATE WASHDC
TO AMEMBASSY LIMA PRIORITY

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E.O. 11652: N/A

TAGS: CARR, CGEN, OEXC, PE

SUBJECT:POSSIBLE GOP INTEREST IN PRISONER EXCHANGE
AGREEMENT

REF: LIMA 1138, STATE 11763

1. DEPARTMENT IS PLEASED TO LEARN OF RISING GOP INTEREST
IN A PRISONER EXCHANGE AGREEMENT. EMBASSY MAY INFORM
GENERAL ZEGARRA THAT THE USG IS PREPARED TO ENTER INTO
NEGOTIATIONS FOR SUCH AN AGREEMENT AT THE CONVENIENCE OF
THE PERUVIAN AUTHORITIES. IT WOULD BE PREFERRED THAT
NEGOTIATIONS TAKE PLACE IN WASHINGTON. HOWEVER IF THIS
PRESENTS DIFFICULTIES FOR PERUVIANS WE ARE WILLING TO SEND
DELEGATION TO LIMA.

2. DEPARTMENT HAS ALSO RECEIVED INDICATIONS OF PERUVIAN
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INTEREST THROUGH PERUVIAN EMBASSY OFFICIALS WHO HAVE
RECENTLY REQUESTED A COPY OF THE BOLIVIAN AGREEMENT.
ALTHOUGH THIS AGREEMENT WAS ONLY SIGNED IN LA PAZ ON
FEBRUARY 10 AND IS JUST NOW BECOMING AVAILABLE, THE PERUVIAN
EMBASSY WAS PROVIDED WITH A COPY OF THE MEXICAN AGREEMENT
AND ACCOMPANYING ENABLING LEGISLATION.

3. WHEN ASSISTANT SECRETARY BARBARA WATSON MET WITH PERUVIAN SUPREME COURT CHIEF JUSTICE SAMANEZ AND SUPREME COURT VOCAL MCLEAN ON JANUARY 30, BOTH JURISTS EXPRESSED THEIR SUPPORT FOR A PRISONER EXCHANGE AGREEMENT. JUSTICE SAMANEZ APPROVED OF SUCH A COURSE IN CONJUNCTION WITH EFFORTS TO IMPROVE THE PERUVIAN JUDICIAL AND PENAL SYSTEMS AS A WHOLE, WHICH HE DESCRIBED AS SUFFERING FROM EXTREMELY SERIOUS ORGANIZATION AND RESOURCE PROBLEMS. JUDGE SAMANEZ AGREED WITH DEPARTMENT OFFICERS PRESENT (ROBERT HENNEMEYER, JOHN DEWITT, ROBERT DALTON AND DAVID KEMP) THAT PRISONERS SHOULD SERVE SENTENCES IN PENAL INSTITUTIONS OF THEIR OWN COUNTRY WITH THE POSSIBILITY OF REHABILITATION IN ACCORD WITH NATIONAL CULTURAL VALUES AND THE ADVANTAGE OF RECEIVING MORAL AND MATERIAL SUPPORT FROM FAMILY MEMBERS AND FRIENDS.

4. THE CHIEF JUSTICE PAINTED A GRIM PICTURE OF PERUVIAN JUDICIAL PROCEDURES STRETCHING OVER TWENTY-ONE MONTHS - UNDER FAVORABLE CONDITIONS - FROM THE INVESTIGATIVE TRIAL PHASE TO SUPREME COURT REVIEW; OF A SHORTAGE OF THOUSANDS OF JUDGES AND JUSTICES OF THE PEACE AS WELL AS COURTS IN WHICH THEY COULD FUNCTION; OF PAYMENTS TO JUDICIAL OFFICIALS TO ASSURE MORE RAPID PROCESSING OF CIVIL AND CRIMINAL CASES, ENCOURAGED BY PITIFULLY LOW SALARIES. JUDGE SAMANEZ WENT ON TO DECRY THE LACK OF AN OFFICIAL JUDICIAL PRESENCE IN MANY OF THE MARGINAL SLUM AREAS OF LIMITED OFFICIAL USE

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LIMA WHERE JUSTICE IS ADMINISTERED BY ETHNIC LEADERS, OR NEIGHBORHOOD MAKESHIFT COURTS - IF IT IS ADMINISTERED AT ALL. THE JUSTICE NOTED THAT A JUDICIAL OVERSIGHT TRIBUNAL HAS RECENTLY BEEN CREATED, WITH SUPREME COURT PARTICIPATION, WHICH IS CHARGED WITH FERRETING OUT CORRUPTION IN THE SYSTEM AND WITH THE LONG-TERM GOALS OF RAISING THE EDUCATIONAL, MORAL AND PSYCHOLOGICAL PREPAREDNESS STANDARDS OF THE JUDICIARY AS A WHOLE. HE APPEALED FOR U.S. ASSISTANCE, BOTH TECHNICAL AND FINANCIAL IN ACHIEVING THESE GOALS.

5. DURING THE LUNCHEON HOSTED BY MISS WATSON FOR THE TWO JUSTICES, AND ATTENDED BY FORMER U.S. SUPREME COURT JUSTICE ABE FORTUS AS WELL AS DEPARTMENT OFFICIALS, JUDGE MCLEAN STATED THAT IT WAS HIS IMPRESSION THAT THE GOP HAD EITHER RECENTLY SIGNED OR WAS ABOUT TO SIGN THE VIENNA CONSULAR CONVENTION. DEPARTMENT WOULD APPRECIATE CONFIRMATION OR DENIAL OF THIS INFORMATION.

6. DEPARTMENT IS PROVIDING THE PERUVIAN EMBASSY IN WASHINGTON WITH A COPY OF THE BOLIVIAN PRISONER EXCHANGE AGREEMENT AND WILL POUCH COPIES OF THE BOLIVIAN AND

MEXICAN AGREEMENTS AS WELL AS ACCOMPANYING ENABLING
LEGISLATION TO EMBASSY LIMA. VANCE

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